



CITY OF  
TUCSON

DEPARTMENT OF  
URBAN PLANNING  
& DESIGN

June 11, 2009

To: Subscriber to the Tucson *Land Use Code (LUC)*

**SUBJECT: SUPPLEMENT NO. 47 TO THE *LAND USE CODE (LUC)***

Dear Subscriber:

Enclosed is Supplement No. 47 to your copy of the City of Tucson *Land Use Code (LUC)*. An explanation of the revisions included in this Supplement is also enclosed.

This Supplement includes Ordinance No. 10664, Motor Vehicle and Bicycle Parking Requirements, adopted by the Mayor and Council on May 5, 2009. In addition, some minor formatting efforts have been corrected.

Please recycle and replace pages in your *LUC* as follows:

**CORRECTED**

<i>Article III. Development Regulations</i>		
<i>Item</i>	<i>Remove Old Pages</i>	<i>Insert New Pages</i>
Division 3: Motor Vehicle and Bicycle Parking Requirements	218-219, 238	218-219, 238-238.3
<i>Appendices</i>		
Appendix 1—Checklist of Up-to-Date pages	1-2	1-2

Please insert and maintain this instruction sheet in the front of your copy of the *LUC*.

Should you have any questions while replacing these pages, please call me at 791-4505.

Sincerely,

Norma J. Stevens  
Secretary

Enclosures: Summary of Amendment  
Supplement No. 47

**TUCSON *LAND USE CODE (LUC)* – SUPPLEMENT NO. 47**

**SUMMARY OF AMENDMENT**

**ORDINANCE NO. 10664**

**ORDINANCE NO. 10664 (Adopted on May 5, 2009)**

The adopted LUC amendment includes the following:

AMENDING CERTAIN PORTIONS OF THE TUCSON CODE, CHAPTER 23, LAND USE CODE, ARTICLE III, DEVELOPMENT REGULATIONS, DIVISION 3, MOTOR VEHICLE AND BICYCLE PARKING REQUIREMENTS, SECTION 3.3.3.11, NEW USES REPLACING EXISTING USES; AND ADDING SECTION 3.3.8.6, EXISTING DEVELOPMENT SITES AND SECTION 3.3.8.7, INDIVIDUAL PARKING REDUCTION.

- 3.3.3.10 Change of Approved Vehicular Use Area. Whenever zoning approval for a use has been granted and a parking plan for the use has been approved, zoning approval for a subsequent use on the property is conditioned upon the continued compliance with the parking provisions contained in the approved parking plan. Any change of the vehicular use area as shown on the approved parking plan must comply with the requirements of this Division.
- 3.3.3.11 Replacing Existing Uses. This section refers to nonconforming sites only. Whenever the use of an existing development is changed to a different use, parking spaces shall be provided for the replacement use as follows:
- A. When a replacement use is the same as the existing use on the property, the parking remains the same in accordance with Section 5.3.6 of the Land Use Code.
  - B. When the replacement use is different than the existing use, the replacement use must be a permitted use in the current zone.
    - 1. A replacement use shall not include a restaurant or bar (Food Service or Alcoholic Beverage Service uses) or a similar use in the applicable Land Use Class of the Land Use Code;
    - 2. The parking intensity for a proposed replacement use must be the same or a lesser intensity of the replaced prior use on the subject property as documented by the applicant. The property owner must provide documentation regarding the prior use as required by the Zoning Administrator.
    - 3. Existing on-site parking, landscaping and screening may remain in their current configuration; however, the Development Services Director may require new improvements including paving and striping when a public safety hazard exists or may be created. The proposed use must comply with the Americans with Disabilities Act. (Ord. No. 10664, §1, 5/5/09)
  - C. If parking for the new use cannot be accommodated within the existing vehicular use area approved for the prior use, parking must be provided in accordance with the requirements in Sec. 3.3.3.12.
- 3.3.3.12 Expansions. Any expansion of an existing use or any addition of a new use to an existing development which results in an expansion in lot area, floor area, vehicular use area, number of dwelling units, or number of seats is subject to the following.
- A. If an expansion is less than twenty-five (25) percent or if a series of expansions cumulatively results in less than a twenty-five (25) percent expansion in land area, floor area, lot coverage, or vehicular use area, the requirements of this Division apply only to the proposed expansion. Existing development on the site is subject to the zoning regulations in effect at the time of approval of the most recent parking plan for the existing development. However, if the existing development was approved prior to April 1, 1969, and there is no approved parking plan on file with the City, the vehicular use area for the existing development shall comply with:
    - 1. The parking, screening, and landscaping requirements in effect at the time the development permit for the existing use was approved; and
    - 2. The paving and striping requirements of this Division.
  - B. If an expansion is twenty-five (25) percent or greater or if a series of expansions cumulatively results in a twenty-five (25) percent or greater expansion in land area, floor area, lot coverage, or vehicular use area, the requirements of this Division apply to the entire site.
  - C. If the reason for an expansion is to bring the number of spaces associated with an existing use into conformance with the minimum number of spaces required by the Code for that use, the expansion area is not counted when calculating the percent of expansion.



- D. Expansions as noted in Sec. 3.3.3.12.A and Sec. 3.3.3.12.B are cumulated over time from April 1, 1969, for the application of motor vehicle parking regulations and from May 9, 1990, for the application of bicycle parking regulations. Once a development is brought into conformance with the provisions of this Division, subsequent expansions will begin cumulating as of the date the development was brought into conformance.

**3.3.4 REQUIRED NUMBER OF MOTOR VEHICLE AND BICYCLE PARKING SPACES.** The number and location of off-street motor vehicle and bicycle parking spaces required for each Land Use Class are listed below. For an explanation of the Land Use Groups and Land Use Classes, see Sec. 6.3.0. See Sec. 3.3.7.1 for an explanation of the terms "SB" and "SA". Any exceptions to the following listings are located in Sec. 3.3.6.

**LAND USE GROUP/CLASS**

**OFF-STREET PARKING AND BICYCLE FACILITIES REQUIRED**

**AGRICULTURAL USE GROUP**

Animal Production  
Crop Production  
General Farming  
Stockyard Operation

**Motor Vehicle:** None (0) required.

**Bicycle:** None (0) required.

**CIVIC USE GROUP**

Correctional Use  
Postal Service  
Protective Service

**Motor Vehicle:** SB. One (1) space per two hundred fifty (250) sq. ft. GFA.

**Bicycle:** Eight (8) percent - fifty (50) percent Class 1 and fifty (50) percent Class 2.

Cemetery

**Motor Vehicle:** SB. One (1) space per twenty-five (25) burial plots or columbarium units, unless a private street system is provided and designed to permit on-street parking.

**Bicycle:** None (0) required.

Civic Assembly

**Motor Vehicle:** SA. One (1) space per five (5) fixed seats in all combined public assembly areas plus one (1) space per fifty (50) sq. ft. GFA without fixed seats in all combined public assembly areas.

**Bicycle:** Eight (8) percent - ten (10) percent Class 1 and ninety (90) percent Class 2.

Cultural Use

**Motor Vehicle:** SB. One (1) space per two hundred fifty (250) sq. ft. GFA.

**Bicycle:** Fifteen (15) percent - five (5) percent Class 1 and ninety-five (95) percent Class 2.

*Library*

**Motor Vehicle:** SB. One (1) space per one hundred fifty (150) sq. ft. GFA.

**Bicycle:** Fifteen (15) percent - ten (10) percent Class 1 and ninety (90) percent Class 2.

*Museum*

**Motor Vehicle:** SB. One (1) space per two hundred fifty (250) sq. ft. GFA.

**Bicycle:** Fifteen (15) percent - ten (10) percent Class 1 and ninety (90) percent Class 2.

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- 3.3.8.2 Reduction Based on MS&R Criteria. The number of spaces required for any nonresidential development located on a street designated on the MS&R Plan may be reduced up to twenty (20) percent in conformance with the calculations in Sec. 2.8.3.7.
- 3.3.8.3 Reduction Based on Landscaping and Screening Criteria. When an existing development is modified to comply with Sec. 3.7.0, Landscaping and Screening Regulations, the number of required parking spaces may be reduced up to ten (10) percent.
- 3.3.8.4 Reduction Based on Criteria for Parking for the Physically Disabled. For existing development, the number of spaces required may be reduced at a ratio of two-thirds (2/3) space for every new space provided for the physically disabled.
- 3.3.8.5 Reduction Based on Provision of Parking for Recharge of Electric Vehicles. For all development, the number of spaces required may be reduced up to one (1) percent if the same number of spaces otherwise required for motor vehicle parking is provided for electrical vehicle parking spaces/recharge stations. (Ord. No. 9517, §3, 2/12/01)
- 3.3.8.6. Existing Development Sites.
- A. Parking Reduction – A parking reduction plan may apply to existing development that existed prior to the adoption date of this ordinance and that meets the criteria listed below. A parking reduction plan may be approved by the Development Services Department Director (the Director). The parking lot for an existing development may be used in its current configuration, except if the Director requires improvements that are required where a public safety hazard exists or may be created.
1. Commercial service, retail and civic uses may request a parking reduction using an alternate parking calculation of three (3) spaces for each 1,000 square feet of gross floor area if the use meets all the criteria listed in Section 3.3.8.6.A.5 below.
2. Storage and wholesaling uses may request a parking reduction using an alternate parking calculation of one (1) space for each 2,000 square feet of gross floor area if the use meets the criteria listed in Section 3.3.8.6.A.5.a.b and c below.
3. Manufacturing, off-site service and repair and other industrial uses except salvaging and recycling may request a parking reduction using an alternate parking calculation of one (1) space for each 1,000 square feet of gross floor area if the use meets criteria listed in Section 3.3.8.6.A.5.a.b. and c. below.
4. Exception. The alternate parking reduction for existing development does not apply to uses with a parking formula of one (1) space for each 100 square feet of gross floor area or a more intense formula. Typical uses include restaurants and bars (Food Service and Alcoholic Beverage Service uses). This exception does not apply to religious and personal service uses. The number of accessible parking spaces required by the Americans with Disabilities Act and provided on the approved site plan shall not be reduced or eliminated.
5. The following criteria apply to Sec. 3.3.8.6.A.1, 2, and 3 as noted in those sections:
- a. The site can accommodate shared parking arrangements for uses with alternate hours of operation or peak use times;
- b. The use will not cause a substantial increase in noise or glare from the site;
- c. The use will not cause excessive drive-through traffic or habitual parking within the adjacent residential neighborhood or commercial development; and
- d. Existing development except industrial uses shall be located within 1,320 feet (1/4 mile) of an existing transit stop or public parking facility.
- B. Parking reductions do not apply to land uses in the R-2 zone or a more restrictive zone.



- C. Development Adjacent to Residential Uses – Development located within 300 feet of R-3 or more restrictive zoning requesting a parking reduction shall require a parking mitigation plan.
- D. A parking mitigation plan must be submitted to the Director and shall be reviewed in accordance with Sec. 23A-50 and 23A-51 of the Tucson Code.
- 6. The mitigation plan shall include a compatibility analysis that addresses how the parking reduction will not cause a safety hazard or problem driving, noise or parking impacts on an adjacent existing neighborhood. The plan shall address the following:
  - a. Methods to avoid potential increases in noise and glare from the site;
  - b. Methods to deter vehicular access into adjacent residential neighborhoods using signage or other means; and
  - c. The prevention of excessive drive-through traffic or habitual parking within adjacent residential neighborhoods or commercial development; and
  - d. Any other issues deemed appropriate by the Director.
- 7. In addition, the parking mitigation plan shall provide the following site inventory information:
  - a. A site plan indicating existing site conditions, including any available on-street parking;
  - b. Hours of operation;
  - c. Any existing shared parking agreements;
  - d. Proximity of the site to existing residential neighborhoods;
  - e. Neighborhoods adjacent to the site using a Residential Parking Permit program;
  - f. Existing site access and traffic circulation; and
  - g. Any other information deemed appropriate by the Director.
- 8. The parking mitigation plan will be reviewed every year for the first three years the business is in existence to determine if changes to the plan are warranted. If changes are necessary, an amended mitigation plan must be submitted to the Development Services Department and approved by the Director. When a change of use occurs, a new mitigation plan is required. The Director may renew the existing mitigation plan for a new use if the new use is determined to have an equivalent impact on its surroundings.
- E. Violation of the Mitigation Plan – If a development is operated in a manner that violates its mitigation plan or conditions for permitting the use or causes adverse land use impacts, the use may be suspended or terminated in accordance with Section 23A-54 of the Tucson Code. (Ord. No. 10664, §2, 5/5/09)

3.3.8.7. Individual Parking Plan.

- A. The Development Services Department Director (the Director) may approve an individual parking plan request for the following uses:
  - 1. Combined residential and non-residential development in a single structure or unified development;
  - 2. Newly constructed development or changes of use in existing buildings within 1,320 feet (1/4 mile) of a transit stop or public parking facility;
  - 3. Religious uses where the parking plan will accommodate weekend and evening use;
  - 4. Residential care services or housing developments for the elderly or physically disabled; and

5. A development site that can accommodate shared parking arrangements for uses with alternate hours of operation and peak-use times.
- B. The following information shall be provided for review of an individual parking plan:
1. A site plan indicating existing site conditions including all anticipated uses of the site;
  2. Site access and traffic circulation patterns;
  3. Distance from the development site to existing residential neighborhoods;
  4. Availability, location and distance to alternate modes of transportation;
  5. The number and location of parking spaces proposed and required indicating data source in establishing the number of spaces;
  6. Expected hours of operation of proposed uses reflecting peak use times;
  7. Evidence that all required parking for the proposed uses will either be on-site or at an approved off-site parking location;
  8. Existing and proposed shared parking agreements. Proposed shared parking may be located within an existing parking location up to 600 feet away located in a more or less intense zone;
    - a. A parking agreement must be prepared in a manner acceptable to the Development Services Director.
  9. Verification that accessible parking spaces required by the Americans with Disabilities Act provided on the approved site plan have not been reduced or eliminated; and
  10. Any other information deemed appropriate by the Director including a traffic study.
- C. Findings for Approval. The Director may approve an individual parking plan, as provided in this Section if all of the following findings are made:
1. The uses for which the individual parking plan will be applied are allowed in the current zone;
  2. The proposed parking plan will deter vehicular access into adjacent residential neighborhoods;
  3. The proposed parking plan will prevent excessive drive-through traffic or habitual parking within adjacent commercial development or residential neighborhoods;
  4. The proposed parking plan will not obstruct site access or traffic circulation; and
  5. All parking is on site or at an off-site location with an approved shared parking agreement.
- D. An individual parking plan request must be prepared by a licensed design professional approved by the Director. The plan must include a formal agreement prepared by the property owner agreeing to the uses allowed on the site. Any revisions to the allowed uses will require approval of a revised individual parking plan.
- E. Exception – Restaurants and bars (Food Service and Alcoholic Beverage Service uses) are not eligible to request an individual parking plan unless the property owner or applicant can demonstrate compliance with Section 3.3.5.1. (Land Uses Sharing Common Elements) of the Land Use Code.

- F. The parking area of any existing development may continue to be used in its current configuration except where a public safety hazard exists may be created or adjustments in parking space dimensions are required.
- G. The individual parking plan is subject to a parking mitigation plan in accordance with Sections 3.3.8.6.C.D and E. (Ord. No. 10664, §3, 5/5/09)



## APPENDIX 1

### Checklist of Up-to-Date Pages

The following listing is included in this Code as a guide for the user to determine whether the Code volume properly reflects the latest print of each page.

In the first column, all page numbers are listed in sequence. The second column reflects the latest printing of the pages as they should appear in an up-to-date volume. When a page has been reprinted or printed as part of the supplement service, this column reflects the Supplement Number which is printed on the bottom of the page.

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